

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Complaint

of

ENERGETIC TANK, INC.,
as Owner of the M/V ALNIC MC,
for Exoneration from or Limitation of
Liability

Case No. 1:18-Cv-1359 (PAC) (RWL)

**UNITED STATES' NOTICE TO
CORRECT THE RECORD**

The United States respectfully submits this Notice to correct the record regarding Petitioner Energetic Tank's status report, filed on Friday, November 17, 2023. (Doc. 517.) Its opening sentence advised the Court that the filing was made "**on behalf of all parties** in the above-captioned action to jointly report on the status of discovery and mediations" *Id.* at 1 (emphasis added). Petitioner had no authority to write "on behalf of" the United States because the United States was neither consulted regarding, nor consented to, filing of the report.

Had the United States been consulted, we would have made a few further points and corrections. In the section providing a "discovery update," we would have updated the Court that all requests for assistance in obtaining Navy medical records have been resolved. Also, we would have informed the Court that besides arranging for the deposition of a VA medical doctor, there are no discovery requests pending against the United States. Finally, the "mediation update," *id.* at 5, should have been corrected to state that the agreed-upon mediation framework does not involve the United States. While these points are relatively minor, the importance of obtaining consent before making a joint filing is not.

Dated: November 20, 2023

Respectfully submitted,

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/s/ Thomas M. Brown
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CERTIFICATE OF SERVICE

I certify that on November 20, 2023, in accordance with Local Civil Rule 5.2, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF that will send notifications to counsel of record.

s/ Thomas M. Brown
THOMAS M. BROWN